

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

THOMAS OLIVAS, §
Petitioner, §
§
v. § Civil Action No. 4:22-CV-385-P
§
BOBBY LUMPKIN, Director, §
TDCJ-CID, §
Respondent. §

**PETITIONER'S MOTION FOR EXTENSION OF TIME TO FILE REPLY TO THE
RESPONDENT'S ANSWER**

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TO THE HONORABLE REED C. O'CONNOR, UNITED STATES JUDGE FOR THE NORTHERN DISTRICT OF TEXAS, FORT WORTH DIVISION:

This is a habeas corpus case brought by a Texas state prisoner, Thomas Olivas, under 28 U.S.C. § 2254. Petitioner was allowed 30 days from the date of Respondent's answer, until September 2, 2022, to file his reply to the Respondent's brief.

Petitioner respectfully requests an extension of 30 days to file his *reply brief* for the following reasons:

1. Both undersigned counsels recently contracted COVID and are still currently recovering from their illness.
2. In addition, both undersigned counsels are currently pending a deadline to file a Motion for Rehearing in *Gerardo Rodriguez v. State of Texas*, No. 10-21-00147-CR, in the 10th Court of Appeals of Texas.
3. Undersigned have the following judicial conflicts:
 - *State of Texas v. Wesley Henderson*, Cause No. 2021CR4006, set for September 7, 2022, in Bexar County, Texas.
 - *State of Texas v. Edgar Saenz-Otero*, Cause No. 2020CR8220, set for September 8, 2022, in Bexar County, Texas.
 - *State of Texas v. Michael Rodriguez*, Cause No. 672673, set for September 13, 2022, in Bexar County, Texas.
 - *State of Texas v. Thomas Aegan*, Cause No. CCL-22-0348, set for September 14, 2022, in Guadalupe County, Texas.
 - *State of Texas v. James Sandel*, Cause No. CR-21-0605-A, set for September 15, 2022, in Hays County, Texas.

- *United States v. Edward Keane*, Cause No. 1:20-CR-189-RP, set for September 16, 2022, in the Western District of Texas–Austin Division.
- *United States v. Thomas Brown*, Cause No. 5:22-mj-00744-HJB, Bench Trial set for September 19, 2022, in the Western District of Texas–San Antonio Division.
- *State of Texas v. Shoaib Ali*, Cause No. 685172, Pre-trial for September 20, 2022, in Bexar County, Texas.
- *State of Texas v. Cherokee Finley*, Cause No. 675196, set for September 23, 2022, in Bexar County, Texas.
- *State of Texas v. Allen Krist*, Cause No. 2021CR7205, Trial set for September 26, 2022, in Bexar County, Texas.
- *State of Texas v. Gregory Shaw*, Cause No. 22-05-14419-CR, set for September 27, 2022, in Medina County, Texas.
- *United States v. Jesse Rios*, Cause No. 5:21-cr-00306-OLG, set for September 29, 2022, in the Western District of Texas – San Antonio Division.
- *United States v. Jose Barrera*, Cause No. 4:20-cr-00179-SDJ-KPJ, set for October 3, 2022, in the Eastern District of Texas – Sherman Division.
- *State of Texas v. Lewis Walker*, Cause No. 687355, set for October 3, 2022, in Bexar County, Texas.

CONCLUSION & PRAYER

For the above listed reasons, Petitioner respectfully prays for an extension of thirty (30) days, up to and including Monday, October 3, 2022, to file his reply to the Respondent's Answer with Brief in Support.

Respectfully submitted.

GOLDSTEIN & ORR

By: /s/ Aaron M. Diaz
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Attorneys for Thomas Olivas

CERTIFICATE OF SERVICE

I, Aaron M. Diaz, certify that on the September 2, 2022, a copy of the foregoing was transmitted to the counsel for the Respondent, Willa Cockshutt, via the PACER filing system.

By: /s/ Aaron M. Diaz
Aaron M. Diaz

CERTIFICATE OF CONFERENCE

I, Aaron M. Diaz, certify that on the September 2, 2022, I have attempted to confer with counsel for the Respondent, Willa Cockshutt, but was unsuccessful before the filing of this motion.

By: /s/ Aaron M. Diaz
Aaron M. Diaz

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ORDER

On the _____ day of _____, 2022, this Court considered Petitioner's Motion for Extension of Time to File Reply to the Respondent's Answer. Upon considering the merits, Petitioner's Motion is hereby:

_____ GRANTED _____ DENIED

ENTERED this _____ day of _____, 2022.

PRESIDING JUDGE